

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

DAVID BROSHIOUS,

Plaintiff,

v.

Civ. 10-316 RLP/RHS

FARMER BROS. CO. d/b/a  
FARMER BROTHERS COFFEE, INC.

Defendant.

MEMORANDUM OPINION AND ORDER

On August 19, 2010 the Court issued its Memorandum Opinion and Order [Doc. 23] in response to Defendant's Motion for Judgment on the Pleadings, brought pursuant to Fed.R.Civ.P. 12(c). The Court deferred ruling on the Motion, allowing Plaintiff time to submit an Amended Complaint to bring his allegations within the dictates of *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007) and *Ashcraft v. Iqbal*, -- U.S. --, 129 S.Ct. 1937 (2009). On September 13, 2010 Plaintiff filed his Amended Complaint [Doc. 27] and the Court, having reviewed the Amended Complaint and the allegations therein, finds that Plaintiff has stated a facially plausible claim for relief.

IT IS THEREFORE ORDERED that Defendant's Motion for Judgment on the Pleadings [Doc. 10] is denied; and

IT IS FURTHER ORDERED that Defendant shall file its Answer to the Amended Complaint in accordance with Fed.R.Civ.P. 12(a)(4)(A).

IT IS SO ORDERED.

  
Richard L. Puglisi  
Chief United States Magistrate Judge